

FORM PTO-1449 LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1467R2P2	Serial No. To Be Assigned
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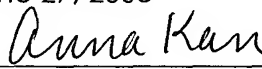
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1467R2P2	Serial No. To Be Assigned
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)				Applicant Kelsey et al.	
				Filing Date 27 Jun 2003	Group To Be Assigned
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Examiner				Date Considered	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Stephen M. Kelsey et al. Serial No.: To Be Assigned Filed: June 27, 2003 For: Treatment with Anti-ErbB2 Antibodies	Group Art Unit: To Be Assigned Examiner: To Be Assigned Express Mail No. EV 351 923 957 US June 27, 2003  Anna Kan
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

☒ **37 CFR §1.97(b)**

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

☐ **37 CFR §1.97(c)**

- by the applicant after the period specified in 37 CFR § 1.97(b), but prior to the mailing date of any of a final action under 37 CFR § 1.113, or a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR § 1.17(p) **or** a statement as specified in 37 CFR § 1.97(e), as checked below.

KEYBOARD(Enter Serial No.)

☐ **37 CFR §1.97(d)**

- after the period specified in CFR § 1.97(c), and is accompanied by the fee set forth in 37 CFR § 1.17(p) **and** a statement as specified in 37 CFR § 1.97(e), as checked below.

[If either of boxes 37 CFR § 1.97(c) or 37 CFR § 1.97(d) is checked above, the following statement under 37 CFR § 1.97(e) may need to be completed.]

☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR § 1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR § 1.704.

☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR § 1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). A copy of the items on PTO-1449 is supplied herewith.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in prior application Serial No. 10/268,501, filed October 10, 2002 and Serial No. 09/602,812 filed June 23, 2000 and relied upon in this application for an earlier filing date under 35 USC § 120.

☐ BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1- A-() " (nucleotide) and "BLAST Results B-1 - B-() " (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

KEYBOARD(Enter Serial No.)

A concise explanation of relevance of the items listed on PTO-1449 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed item(s) [Required]

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR § 1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR § 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

By: _____

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994

Date: June 27, 2003



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PATENT TRADEMARK OFFICE

FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark Office

Atty Docket No.

P1467R2P2

Serial No.

To Be Assigned

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Kelsey et al.

Filing Date

27 Jun 2003

Group

To Be Assigned

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Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	* 1	2002/0076695	20.06.02	Ross, J.			
	* 2	2002/0155527	24.10.02	Stuart et al.			
	* 3	4,753,894	28.06.88	Frankel et al.			
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Examiner

Date Considered

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		* 38 5,801,005	01.09.98	Cheever et al.			
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		* 71 6,270,765	07.08.01	Deo et al.			
		* 72 6,333,348	25.12.01	Vogel et al.			
Examiner					Date Considered		
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	* 83	444,181	31.10.01	EPO			
	* 84	494,135	10.04.96	EPO			
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	* 86	554,441	27.01.99	EPO			
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	* 90	2,761,543B2	04.06.98	JAPAN (TRANSLATION ATTACHED)			
	* 91	2,895,105B2	24.05.99	JAPAN (ENGLISH ABSTRACT AND CLAIMS)			
	* 92	3-240498	25.10.91	JAPAN (ENGLISH ABSTRACT ATTACHED)			
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	*105	WO 01/05425	25.01.01	PCT			

Examiner	Date Considered
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		*107 WO 01/15730	08.03.01	PCT					
		*108 WO 01/20033	22.03.01	PCT					
		*109 WO 01/21192	29.03.01	PCT					
		*110 WO 01/32155	10.05.01	PCT					
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		*116 WO 91/05264	18.04.91	PCT					
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		*120 WO 93/12220	24.06.93	PCT					
		*121 WO 93/16185	19.08.93	PCT					
		*122 WO 93/21232	28.10.93	PCT					
		*123 WO 93/21319	28.10.93	PCT					
		*124 WO 94/00136	06.01.94	PCT					
		*125 WO 94/22478	13.10.94	PCT					
		*126 WO 94/28127	08.12.94	PCT					
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		*139 WO 97/38731	23.10.97	PCT					
		*140 WO 98/02463	22.01.98	PCT					
		*141 WO 98/02540	22.01.98	PCT					
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FOREIGN PATENT DOCUMENTS							
Examiner Initials	Document Number	Date	Country	Class	Subclass	Translation Yes No	
	*142	WO 98/02541	22.01.98	PCT			
	*143	WO 98/16628	23.04.98	PCT			
	*144	WO 98/17797	30.04.98	PCT			
	*145	WO 98/18489	07.05.98	PCT			
	*146	WO 98/33914	06.08.98	PCT			
	*147	WO 98/45479	15.10.98	PCT			
	*148	WO 99/31140	24.06.99	PCT			
	*149	WO 99/39729	12.08.99	PCT			
	*150	WO 99/55367	04.11.99	PCT			
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	*151	Aasland et al., "Expression of Oncogenes in Thyroid Tumours: Coexpression of c-erbB2/neu and c-erbB" <u>British Journal of Cancer</u> 57(4):358-363 (Apr 1988)					
	*152	Agus et al., "Differential Anti-Tumor Effects of Targeting Distinct Epitopes of the Her-2/neu Extracellular Domain in Xenograft Models of Prostate Cancer." <u>Proceedings of the American Association for Cancer Research Annual Meeting (Abstract #4570)</u> 41:719 (Mar 2000)					
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